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Landmark Lawsuit Alleging Medical Battery Killed 19-Year-Old With Down Syndrome Will Go to Trial

A Wisconsin jury will decide whether 19-year-old Grace Schara, who had Down syndrome, was the victim of battery after a judge last month cleared the way for a Nov. 4, 2024, trial including battery charges against the hospital and providers who treated Schara. The case has national implications amid widespread reports of hospital deaths from COVID-19 protocols.

By **Mike Capuzzo**

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More than two years after 19-year-old Grace Schara died following treatment for COVID-19, a Wisconsin circuit court judge ruled that her father's wrongful death lawsuit against Ascension St. Elizabeth Hospital in Appleton, Wisconsin can go forward.

Outagamie County Circuit Court Judge Mark J. McGinnis last month rejected all motions by hospital lawyers to dismiss charges by Scott Schara that his daughter died from intentional battery by doctors and nurses.

Schara in April sued Ascension St. Elizabeth Hospital personnel alleging that they committed medical battery against his daughter — a legal standard doctors don't typically face — which led to Grace's wrongful death on Oct. 13, 2021.

According to the complaint, doctors and nurses defied the informed consent law, "fraudulently labeled [his daughter] as a DNR [Do Not Resuscitate] patient, administered a lethal drug cocktail known to kill" and blocked attempts to save the girl's life.

Due to hospital protocols, Schara said, his daughter was given a knowingly lethal blend of drugs without informed consent from him or Grace's mother, Cindy Schara, who possessed Grace's legal and medical power of attorney.

When Schara protested, he was escorted out of the hospital by an armed guard, and he and his wife were forced to watch their daughter die on FaceTime.

An emotional Schara went on CHD.TV, the TV channel of Children's Health Defense's (CHD), this month, jubilant over his court victory. He told "Good Morning CHD" co-host Polly Tommey what happened to his daughter.

"Instead of treating Grace to save her life, they used a combination of meds, Precedex, lorazepam and morphine — which is what you give people when they're in hospice care to euthanize them in their last hour of life," Schara said. "And they gave Grace that combination of meds in a 29-minute window."

"To set up the kill, they put — the doctor put — an illegal do-not-resuscitate order on Grace's chart," he continued. "So when it came time to revive her, the doctors and nurses wouldn't even step foot in the room."

In July, Judge McGinnis set aside three weeks for the trial to begin on Nov. 4, 2024, the day before the U.S. presidential election.

But McGinnis asked the plaintiffs to submit an amended complaint making the case that charges of battery, a charge that would not be covered under traditional malpractice insurance, should go forward to trial.

Schara's victory on Oct. 30 will allow the charge of battery — a standard of intentional harm by doctors and other providers beyond medical negligence — to be considered at trial, making this a potential landmark case.

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In addition to Ascension Hospital System, the largest Catholic hospital system in the U.S., Schara sued five doctors, two registered nurses and four "John Doe" medical providers alleging the hospital's COVID-19 treatment protocols caused his daughter's death.

The jury will now have the ability to decide whether the hospital and its doctors and nurses did not merely violate laws to provide patient informed consent, but also committed battery.

The court accepted the distinction laid out in Schara's legal brief.

"Imagine a physician who fails to fully inform a patient about the risks of a leg amputation, but the patient does agree to have his leg amputated," the brief stated."This violates the duty to obtain informed consent under Wis. Stat.§ 448.30."

But "now imagine a physician who amputates a patient's leg without obtaining consent or telling the patient or the patient's family what he is doing (and, in this case, removing the patient's power of attorney and parent from the hospital first). That is a battery."

Dr. Meryl Nass, a member of CHD's scientific advisory committee, told The Defender Schara had presented "a landmark case, and we all need to cross our fingers that he wins."

"He has great documentation," Nass said. "This was medical professionals, acting against all of their ethical obligations and harming a very functional young woman, who was able to drive and play violin, even though she had Down syndrome."

Schara said the ruling that opens the door to physician battery could lead to historic reforms of doctors' legal exposure for patient deaths.

"Our case simply surviving today should send shockwaves across the nation, because we showed how to pierce the medical malpractice veil with a legal brief," he added. "Winning this claim will create a tidal wave."

'Grace's death is one of many'

Schara has worked tirelessly to call attention to his daughter's death and his lawsuit.

In addition to employing a legal team led by Warner Mendenhall, he created two websites about her case, Our Amazing Grace and graceschara.com, including videos about her playful personality, her love of horseback riding and Elvis. He calls his daughter "my best friend."

Mendenhall, who appeared with Schara on "Good Morning CHD," said Schara was "actually helping to carve a pathway for other families" that "is so important for attorneys and families to understand … Getting through this opens the doorway for you and for other people all around the country. And there's a great many more."

Schara has spent thousands of hours researching what he calls "medical murder."

Medical malpractice has surpassed heart disease and cancer during the COVID-19 era, he said, as "the No. 1 cause of death in the U.S."

Schara produced a documentary, "Breaking the Oath: Unauthorized," chronicling Grace's and other victims' stories and calling on people to "once again sacrifice for the future of humanity" and step forward in an historic effort to stop it.

"Grace's death is one of many," he said.

Schara also launched a podcast, "Deprogramming with Grace's Dad," in which he acknowledges that his daughter's death led him "to discovering he has been programmed to believe things that are not true" about the healthcare system, and urges his audience "to open eyes and hearts to start the process of deprogramming yourself."

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'Case is about something much bigger than mere malpractice'

Schara said his most important message, the key point of his lawsuit, is to overturn "a legislative immunity" that surrounds the medical profession and that people don't understand.

"The state statutes want to put lack of informed consent as a medical malpractice claim, but it also gives the doctors an out in paying for their fees because they have medical malpractice liability insurance that covers their legal fees."

As outlined in the legal brief, Schara said hospital lawyers "want this court to rule that a patient with Down syndrome can be intentionally restrained, intentionally deprived of advocacy and intentionally administered deadly sedatives all without consent. And these actions are simple medical negligence."

As a result, Schara said, "Defendants envision a world where there is no common law claim for the failure of a healthcare provider to obtain consent that falls outside of medical malpractice. In this world, an unethical financially motivated physician may administer deadly drugs without consent for malign purposes, including making room for new patients."

At a critical moment in the case, Schara said, the defense moved to dismiss Schara's wrongful death charges and dismiss the case, arguing that his claim should be covered under medical malpractice.

Hospital lawyers also moved to dismiss Schara's request for a declaratory judgment regarding the illegal DNR, arguing that "The issue is moot, because Grace Schara, the subject of the order, is deceased."

"This bellwether case is about something much bigger than mere malpractice, and its impact will reverberate nationally," Schara said.

"Our goal is simple: Save lives. That's why this case is first about the lack of informed consent — a battery — leading to negligence and malpractice, which then resulted in wrongful death."

"Moreover, this case is about protecting the public from doctors unilaterally placing DNR orders on patients," he said. "If we would have had informed consent, Grace would be with us today."

This article was updated to state that Grace Schara died more than two years ago, not more than three years ago as originally stated.

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Mike Capuzzo is the managing editor of The Defender. He is a former prize-winning reporter for The Philadelphia Inquirer and The Miami Herald, a science writer, and a regional magazine founding editor and publisher who has won more than 200 journalism awards as a writer, editor and publisher.

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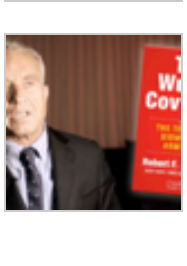

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Bill In Montgomey
11 days ago
Great news that this case will get before a jury. I could see where it could open up the floodgates for similar cases. I imagine there is great incentive among the most powerful people in healthcare for this case to NOT prevail.

From the details in this story, what was done to this terrified young lady is heart-wrenching. This was a crime - but a common crime.

24 0 Reply • Share ›

Kitty Ca'at
11 days ago
I'm grateful for the judge's decision. Best wishes for justice for Grace and to block this from ever happening again.

17 0 Reply • Share ›

Charles Muldoon
11 days ago
First degree murder. Crimes against humanity. There's a good argument for the crime fitting the punishment.

I condone some leniency for those involved with this atrocity if give up the names of those issuing the orders from above.

16 0 Reply • Share ›

Siglund
11 days ago
The same hospital killed my cousin a month prior. I hope they get decimated!

14 0 Reply • Share ›

Noelani Jacob → Siglund
10 days ago
I'm sorry to hear about your cousin. The weaponization must be stopped and this is where it begins!.

5 0 Reply • Share ›

mcwinaz
11 days ago
I am SOOOOO following this, and I am praying SOOOOOO hard that this father scores a win, as I'm sure he will. With all the evidence he has, this hospital and everyone involved in this young woman's death should be shaking in their boots. Hope you all have a krappy 2024 as you await the trial that will destroy your life as you destroyed hers..

14 0 Reply • Share ›

Shilo Smith
11 days ago
"The issue is moot, because Grace Schara, the subject of the order is deceased."

That sounds more like a confession than sound legal reasoning.

14 0 Reply • Share ›

Columngirl
11 days ago
GOOD NEWS! It is about time. This is not the first case I have heard of over the last few years where a Doctor put a DNR on the medical file of someone trapped in the hospitals that were making over 100k per patient in ICU. The incentivized program for this experiment was the most evil program ever initiated by the US DEPT OF HHS and the NIH ever in the history of our country. I have heard reports from people receive the worst abuse from Doctors and nurses with zero sympathy or bedside manner, starving patients, dis allowing visitors, and trapping patients in their "care" enforcing Remdesivir even after family expressly denying the use of this known harmful medicine., which is listed on the NIH website as causing kidney failure, anytime you put this drug into someone that was also mandated to sedated will cause further damage., this is how so many died in the hands of the hospitals, NOT FROM THE VIRUS. Also, million of FALSE POSTIVES for the purpose of reporting in the media at State levels to scare the public into taking this experimental injection., the FDA published recommendation to use a 40 threshold cycle with PCR when anything over 30 is a FALSE POSITIVE thereby creating millions of false positives. even at 30 the PCR does not diagnose as it only picks up fragments of a virus sequence, NEVER INTENDED TO DIAGNOSE PER KARY MULLIS THE CREATOR OF PCR., who 'died' late 2019.

11 0 Reply • Share ›

Caroline Cary Davidson → Columngirl
10 days ago
100%. ^^ I personally know of two people whose family's agreed to have 'covid' listed as primary cause of death (they had terminal dx PRIOR to contracting covid!) because the hospital told them they would qualify to receive the government-paid funeral expenses. wanna bet the hospital DIDN'T tell them about THEIR huge pay out for this 'cause of death'? its beyond sickening.
and as an aside: one of these patients was my bff's elder sister. my friend was in the hallway of the ICU and overheard staff rounds being discussed. 7 of 12 ICU beds were occupied and 6 of the 7 were listed as having kidney failure. my friend actually admitted to finding that curious. gee wonder why all that kidney failure? what are the odds? what was the common denominator?

9 0 Reply • Share ›

Columngirl → Caroline Cary Davidson
10 days ago
Wow, I read a report a few days ago that said that 1 in 3 americans know someone who died from the vaccine, so clearly the CDC numbers are completely false., and the cover up continues. At the start of this created pandemic there were reports coming out that Harvard had done two sperate audits of the C.D.C. V.A.E.R.S. reporting system both report concluded that the system only captures between 1-5% of the actual adverse events, not the least of which is because the system is made timely and arduous, and the Dr.'s do not get paid to report so it is not usually done. One nurse reported getting booted out of the system and having to start over for a single correction, so most nurses will not report either. THIS IS BY DESIGN. The C.D.C has their own reporting system that is not for public review the V.A.E.R.S. system is Public Relations tool.
As for Remdesivir - The NIH was doing a trial on this drug that is produced by Gilead which Fauci is invested in - the trial was in South Africa the trial was supposed to a one year trial from 2018-2019 for "Ebola" during this trial in the first 6 months patients were dying, it was REMDESIVIR THAT WAS KILLING THEM BY DESTROYING THEIR KIDNEYS, so Remdesivir was pulled from that trial., then just a few months later FAUCI via HHS puts this drug on THE PROTOCOL for ALL HOSPITALS, you can be sure it was in their incentive contracts OR NO MONEY. THESE CONTRACTS NEED TO BE EXPOSED. The American Board of Pediatrics and Obstetrics signed their 13 million dollar gag order contract, IT WAS IN THE CONTRACT THEY CANNOT GO AGAINST THE MANDATED NARRATIVE OR GET SUED AND HAVE TO PAY BACK THE 11 MILLION OF THAT CONTRACT... BECERRA OF HHS IS A LAWYER NOT A DOCTOR.

8 0 Reply • Share ›

Barbara Hernandez → Caroline Cary Davidson
5 days ago
They all got the lethal drug.

0 0 Reply • Share ›

Tina
11 days ago
I remember watching a video of the nurses in the hallway at change of shift. The family came out asking them for help and one of the nurses yelled: "She's a DNR." As if that meant the patient gets no care whatsoever. The tone of her voice and her ignorance made me worry about all the other patients who had to endure her lack of humanity and competence.

11 0 Reply • Share ›

Caroline Cary Davidson
10 days ago
I'm sure its a bittersweet first-step victory for the Schara's. I knew from the first time I saw this father interviewed, in the aftermath of his daughter's tragic & unnecessary death, that he would not give up. Scott is on a mission for ALL of us, especially us parents of developmentally disabled adults. the idea that medical personnel can & do, discount the value of the lives of disabled individuals has chilled my blood since way before covid. Grace's story should be frontpage news but its intentionally swept under the rug. God speed, Scott & team!
I tried to tell my bff about this, right after hearing it 3 yrs ago. she shut me down immediately, saying that there's no way this father could have obtained her medical record so quickly and there's no way that an unapproved DNR could be placed on anyone. she argued that the drug cocktail and hospital protocols were all appropriate and the family is just bitter because the girl died from covid. my friend has NO medical background yet felt comfortable dismissing the entire incident out of hand. thank goodness there are still some judges left that are capable of examining evidence objectively.

9 0 Reply • Share ›

Rose Riker (@Snapefan38)🌺⏳♏
10 days ago
God bless Mr. Schara. In my opinion I think these people should be arrested and charged with murder because they knowingly gave Grace a combination of deadly drugs. Who gave them the right or the power to decide who lives and who dies?

7 0 Reply • Share ›

healthcrusader
11 days ago
Medical murder!!!

7 0 Reply • Share ›

Yoganana
11 days ago
One line in this article stands out " grace was a very functional young woman who drove and played the violin," And what if she weren't so high functioning? Who says that the doctors get to decide who lives and dies? Just like the globalists, the who, Klaus Schwab, bill gates et al, Eugenicists all. the elites think they are better than we are and get to decide our fate.

7 0 Reply • Share ›

coconutgirl
11 days ago
A singer that I adored very much was killed intentionally by lethal injections and medical malpractice... and I currently have to protect myself from my medical doctors, as I have been threatened and made to feel like I was being sabotaged by certain nurses and doctors...!
I do hope that the family gets through with a successful lawsuit, as I do know for a fact that organized killing of patients has become a part of our system, and it needs to be stopped!

6 0 Reply • Share ›

Darrell benz
11 days ago
It's such great news to hear from a very sombering experience. We now need medical professionals to come forward and speak out against the medical tyranny that has engulfed our medical system. Sorry for the loss of Grace, God speed.

5 0 Reply • Share ›

One Day Closer
11 days ago
I believe that this type of thing has been going on for years; COVID and its high payments to hospitals and medical providers for following the government protocols brought it to light. I wouldn't trust a hospital to care for me any more than I would trust Hamas to do so.

5 0 Reply • Share ›

Kim from Brooklyn → One Day Closer
10 days ago
Hate, fear, power, money, greed.

If anyone should question whether something is good or evil, if any of the above are part of the equation, one should suspect foul play.

3 0 Reply • Share ›

Vivienne
11 days ago
Thank you Mike, outstanding report, and important news!

May Ms. Grace Schara, precious and divine, be avenged in every way, and justice served.

I cannot even imagine what Cindy & Scott have gone through, and am so grateful this case is moving forward in honor of Grace and countless others.

5 0 Reply • Share ›

Noelani Jacob
10 days ago
I live where this case is from. Ascension Health should not be called "faith based" I also know the judge personally and am glad he got this one right. We always say that when a new wing is being built at this hospital a few patients have mysteriously died.

This is one of many victories and it is time for these hospitals and doctors to be held accountable for playing God. They will also be held accountable by God for weaponizing healthcare in such a way that it scares the average citizen.

3 0 Reply • Share ›

Sopater
11 days ago
Sounds like iatricide.

3 0 Reply • Share ›

Lynda Lewandowski
5 days ago
hope this hospital loses everything and the medical parties involved are not allowed to

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